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09/665,482	09/20/2000	Peter H. I. Kim	412342-2	8575

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INTERPOL'S NETWORK, INC.
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EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,482

Applicant(s)

KIM, PETER H. I.

Examiner

John L Young

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

[Signature]
6-29-2001

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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SECOND ACTION NON-REJECTION

(Paper#9)

PRO SE APPLICANT

1. An examination of this application reveals that the Applicant/inventor Pro Se is prosecuting the instant application. While an inventor may prosecute the application, lack of training as a registered patent attorney in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DRAWINGS

2. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for

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drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

3. Rejections Maintained.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-28 are rejected under 35 U.S.C. §103(a) as being obvious over Olivier US 6,480,885 (11/12/2002) [US f/d: 4/25/2000] (herein referred to as "Olivier").

As per claim 1, Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows "A method of providing remote users with a centralized polling environment, comprising the steps of: creating polls; archiving said polls in a storage area; searching said archived polls to provide a selected set of said polls; placing one of said selected polls in a web page; delivering said Web page to permit user viewing and interaction with said one of selected polls; and building a profile for one of said users based on said interaction."

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Olivier lacks an explicit recitation of "A method of providing remote users with a centralized polling environment. . . ." even though Olivier implicitly shows same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows "A method of providing remote users with a centralized polling environment. . . ." and it would have been obvious to modify and interpret the disclosure of Olivier cited above as showing "A method of providing remote users with a centralized polling environment. . . ." because modification and interpretation of the cited disclosure of Olivier would have provided means for "*creating high quality interactions within electronic . . . [forums]*" (see Olivier (col. 3, ll. 3-4)), based on the motivation to modify Olivier so as to "Greatly . . . [reduce] the quantity of electronic forums such as electronic mailing lists. . . ." (See Olivier (col. 3, ll. 40-45)).

As per claims 2-14, Olivier shows the elements and limitations of claim 1 and subsequent claims depending from claim 1.

Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows the elements and limitations of claims 2-14.

Olivier lacks an explicit recitation of the elements and limitations of claims 2-14 even though Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows same.

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Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-14 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows the elements and limitations of claims 2-14, and it would have been obvious to modify and interpret the disclosure of Olivier cited above as showing the elements and limitations of claims 2-14 because modification of the cited disclosure of Olivier would have provided means for “*creating high quality interactions within electronic . . . [forum]*” (see Olivier (col. 3, ll. 3-4)), based on the motivation to modify Olivier so as to “Greatly . . . [reduce] the quantity of electronic forums such as electronic mailing lists. . . .” (See Olivier (col. 3, ll. 40-45)).

As per claim 15, Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) implicitly shows “A computer-implemented system for delivering information to users, comprising: an application server connected to a network, said application server coupled to a database comprising an archive of polls, said application server being responsive to requests from a user computer of said network for particular polls from said database; a Web host connected to said network and comprising a Web server and a second database, said Web server being responsive to request messages from a user computer for a particular Web page to thereby

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deliver said particular Web page selected from said second database to said user computer, said particular Web page containing a reference link to polls archived said first database; and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls; archiving said new polls in said first database; searching said archived polls based on predefined search criteria to provide a selected set of said polls; placing one of said selected polls in a Web page; delivering said Web page to permit user viewing and interaction with said one of selected polls; and building a profile for one of said users based on said interaction with said one of selected polls; and building a profile for one of said users based on said interaction."

Olivier lacks an explicit recitation of "building a profile for one of said users based on said interaction with said one of selected polls; and building a profile for one of said users based on said interaction. . . ." even though Olivier implicitly shows same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows "building a profile for one of said users based on said interaction with said one of selected polls; and building a profile for one of said users based on said interaction. . . ." and it would have been obvious to modify and interpret the disclosure of Olivier cited above as showing "building a profile for one of said users based on said interaction with said one of selected polls; and building a profile

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for one of said users based on said interaction. . . ." because modification of the cited disclosure of Olivier would have provided means for "*creating high quality interactions within electronic . . . [forums]*" (see Olivier (col. 3, ll. 3-4)), based on the motivation to modify Olivier so as to "Greatly . . . [reduce] the quantity of electronic forums such as electronic mailing lists. . . ." (See Olivier (col. 3, ll. 40-45)).

As per claims 16-28, Olivier shows the elements and limitations of claim 15 and subsequent claims depending from claim 15.

Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows the elements and limitations of claims 16-28.

Olivier lacks an explicit recitation of the elements and limitations of claims 16-28 even though Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 16-28 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21) implicitly shows the elements and limitations of claims 16-28, and it would have been obvious to modify and interpret the disclosure of Olivier cited above as showing the elements and limitations of claims 16-28 because

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modification of the cited disclosure of Olivier would have provided means for *“creating high quality interactions within electronic . . . [forum]”* (see Olivier (col. 3, ll. 3-4)), based on the motivation to modify Olivier so as to “Greatly . . . [reduce] the quantity of electronic forums such as electronic mailing lists. . . .” (See Olivier (col. 3, ll. 40-45)).

RESPONSE TO ARGUMENTS

5. Applicant's arguments (paper#8, filed 03/26/2004) have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments concerning the Official Notice rejections of the prior Office action are moot because Applicant failed in Applicant's response (paper#8) to seasonably challenge said Official Notice evidence in the obviousness rejections of paper#7.

“If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, Applicant is charged with rebutting the well known statement in the next reply after the Office action in which the well known statement was made.” (See MPEP 2144.03).

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In this case, Applicant's response is silent as to a demand for references concerning the Officially Noticed well known statement evidence presented in the prior Office Action; therefore, said Official Notice evidence is deemed admitted, and no further references are required in support of said Official Notice evidence.

In response to Applicant's argument (paper#8; pp. 2-4) which alleges that "a prima facie case of obviousness has not been made. . . .", this is not the case.

It is well settled that the test for obviousness is not whether the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the teachings of the references would have suggested in the broadest interpretation to those of ordinary skill in the art. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

It is also well settled in the law that

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35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

(a) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

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art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. . . . (See MPEP 706.02(j)).

In this case, the Prior Office Action relies upon the combined teachings, suggestions and motivations found in the applied reference as well as the knowledge generally available to one of ordinary skill in the art and does not include knowledge gleaned from the Applicant's disclosure. Furthermore, the Prior Office Action indicates the requisite "reasonable expectation of success" is established by virtue of modifying the teachings of the applied reference. Furthermore, the teachings in the applied prior art reference suggests all the claim limitations. Finally, the teachings and suggestions to make the modifications and the reasonable expectation of success are both found in the prior art and not based on Applicant's disclosure; therefore, based on the above response, *prima facie* obviousness is established in the prior Office Action.

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Applicant's argument (paper#8, p. 3) which alleges that "Olivier is based on emails, a format in which interaction is inherently not real time. . . ." implicitly amounts to a general allegation that the applied reference is lacking disclosure of an important element in the claims, i.e., "real time" interaction; however, none of the claims recite "real time" interaction elements.

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

For the above reasons, the obviousness rejections of the instant invention are maintained.

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CONCLUSION

6. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist

Crystal Park V

2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

June 29, 2004